

1-1 By: Ellis S.B. No. 388
1-2 (In the Senate - Filed February 6, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 31, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 31, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 388 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use and management of certain state-owned real
1-11 property.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle E, Title 10, Government Code, is
1-14 amended by adding Chapter 2206 to read as follows:

1-15 CHAPTER 2206. USE AND MANAGEMENT OF STATE PROPERTY

1-16 Sec. 2206.001. DEFINITION. In this chapter, "committee"
1-17 means the Texas Real Property Interim Committee.

1-18 Sec. 2206.002. TEXAS REAL PROPERTY INTERIM COMMITTEE. (a)
1-19 The Texas Real Property Interim Committee is created to:

1-20 (1) investigate the number and function of state
1-21 agency field offices; and

1-22 (2) sell, close, or collocate state agency field
1-23 offices, if appropriate.

1-24 (b) The committee is composed of:

1-25 (1) the governor or the governor's designee, who
1-26 serves as presiding officer;

1-27 (2) the lieutenant governor or the lieutenant
1-28 governor's designee;

1-29 (3) one member appointed by the governor from a list of
1-30 persons submitted by the speaker of the house of representatives;

1-31 (4) the land commissioner or the land commissioner's
1-32 designee;

1-33 (5) the comptroller or the comptroller's designee; and
1-34 (6) the executive director of the Texas Building and

1-35 Procurement Commission as a nonvoting member.

1-36 (c) The governor may reject the persons on a list submitted
1-37 under Subsection (b)(3) and require a new list to be submitted.

1-38 (d) The committee may request the assistance of the
1-39 employees of the Legislative Budget Board and the state auditor's
1-40 office in carrying out the committee's duties.

1-41 (e) The committee shall meet at least quarterly at the call
1-42 of the presiding officer.

1-43 Sec. 2206.003. POWERS AND DUTIES OF COMMITTEE. The
1-44 committee may require a state agency to:

1-45 (1) sell real property or any part of real property
1-46 used as an agency field office if the committee determines that the
1-47 property is not being used or is being substantially underused for
1-48 the purposes of efficiently and effectively performing the
1-49 functions of state government;

1-50 (2) terminate a lease of real property used as an
1-51 agency field office according to the terms of the lease if the
1-52 committee determines that the functions of state government can be
1-53 more efficiently and effectively performed by the agency at a
1-54 different location; or

1-55 (3) collocate a field office with one or more other
1-56 state agencies if the committee determines that the functions of
1-57 state government can be more efficiently and effectively performed
1-58 by the agencies at the same location.

1-59 Sec. 2206.004. PROCEEDS FROM SALE OF PROPERTY.
1-60 Notwithstanding any other law, proceeds from the sale of real
1-61 property sold under Section 2206.003 shall be deposited in the fund
1-62 from which the money used to buy the property was taken, if the fund
1-63 is known and continues to exist. In any other circumstances, the

2-1 proceeds shall be deposited in the unobligated portion of the
2-2 general revenue fund.

2-3 Sec. 2206.005. CAPITAL CHARGE. The committee, in
2-4 consultation with the Legislative Budget Board, may impose a
2-5 capital charge, as defined by Section 31.1586, Natural Resources
2-6 Code, on a state agency that is payable by a specified date if the
2-7 committee determines that:

2-8 (1) the state agency possesses real property that is
2-9 not being put to its highest and best use; and

2-10 (2) it is not in the best interest of the state to sell
2-11 the property.

2-12 Sec. 2206.006. EXPIRATION AND ABOLITION. This chapter
2-13 expires and the committee is abolished on September 1, 2005.

2-14 SECTION 2. Subchapter E, Chapter 31, Natural Resources
2-15 Code, is amended by adding Sections 31.1585 and 31.1586 to read as
2-16 follows:

2-17 Sec. 31.1585. CERTAIN PROCEEDS. Notwithstanding any other
2-18 law, proceeds from the sale of real property that was recommended
2-19 for sale by the division and not disapproved for sale by the
2-20 governor during the calendar years 1995 through 2002 shall be
2-21 deposited in the unobligated portion of the general revenue fund
2-22 and may only be appropriated to the state agency that possessed the
2-23 property at the time of the sale for use by the state agency in
2-24 performing its duties.

2-25 Sec. 31.1586. DEFINITION. For purposes of state law,
2-26 "capital charge" means an amount paid to the state by a state agency
2-27 based on real property owned by the agency and designed to provide
2-28 budgetary incentives for an agency to use its property in a
2-29 cost-effective manner.

2-30 SECTION 3. This Act takes effect immediately if it receives
2-31 a vote of two-thirds of all the members elected to each house, as
2-32 provided by Section 39, Article III, Texas Constitution. If this
2-33 Act does not receive the vote necessary for immediate effect, this
2-34 Act takes effect September 1, 2003.

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